

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants, Inc.

DATE: December 5, 2007

SUBJECT: Zoning Code Update Meeting 9 – Meeting Summary
November 19, 2007, Second Floor Conference Room
Harford County Office Building

Attendees

Workgroup Members Present:

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Bill Vanden Eynden
Mr. Samuel Fielder, Jr.
Mr. Rowan G. Glidden
Mr. Frank Hertsch
Mr. Jeffrey K. Hettleman
Ms. Susan B. Heselton
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gil Jones
Mr. Gregory J. Kappler
Mr. Michael Leaf
Ms. Gloria Moon
Mr. Torrence Pierce
Mr. Frank Richardson
Mr. Lawrason Sayre
Mr. Jim Turner
Mr. Craig Ward
Ms. Marisa Willis
Mr. Jay Young

Workgroup Members Absent:

Mr. William E. Goforth
Mr. Chris Swain

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

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Meeting Summary

The ninth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. Per the workgroup's request at Meeting 8, Denis Canvan was given the opportunity to comment on the Meeting 7 Summary. The updated Meeting 7 Summary with Denis Canavan's comments was distributed for review and was approved. The Meeting 8 Summary was distributed for review and was approved.

Presentation by DPZ – Agriculture

To continue the discussion on the Agricultural District Regulations in the proposed Zoning Code, Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, reviewed the flexibility and constraints in the agricultural sections. Mr. Gutwald reviewed the uses allowed through Accessory Uses, Temporary Uses, and the Ag/Commercial Development Standards. He also reminded the workgroup that in Meeting 8, the majority of the workgroup agreed to eliminate the acreage and income requirements in agricultural areas. The intent of the acreage and income restrictions was to ensure that activities occurring in the agricultural districts complement agricultural activities.

Workgroup Discussion - Agriculture:

A workgroup discussion followed Mr. Gutwald's presentation.

1. Topic: Effects of Eliminating Acreage and Income Restrictions

Discussion:

- The workgroup discussed the impact on adjoining properties from non-agricultural activities occurring in the agricultural district. For example, whereas in the current zoning code, school bus parking would have been a special exception/development, it would be allowed regularly with the acreage restriction eliminated as proposed under the proposed Zoning Code.

- One member of the workgroup expressed that the issue was not the size of the lot/parcel in restricting the non-agricultural activity on an AG zoned lot. Bufferyard and setback restrictions are needed to properly buffer adjoining property owners.
- Another member indicated that the restrictions on non-agricultural activities occurring in the agricultural zone need to be clear and enforceable. It is not easy to determine if some activities are truly agricultural activities.
- There was a clarification made for when the Ag/Commercial Development Standards will apply. The application of the standards depends on the type of use and whether specific criteria are met. The standards apply for both accessory and principal uses.

Result:

- DPZ will look at buffer types for AG/Commercial uses. No change to previous decision to eliminate lot size/income requirement was made.

2. Topic: Agricultural Retail Products and Products Grown Offsite

Discussion:

- The workgroup discussed the definition of an agricultural product. One member suggested that a product should be defined as an agricultural product if the chemical essence of the original agricultural product remains intact after the product has been processed (i.e. strawberries to strawberry jam). The workgroup discussed restricting the quantity that can be sold of agricultural or non-agricultural (retail) products which do not originate from products grown on the property. One workgroup member stated that it is difficult for some farmers, especially at the end of the season, to keep produce stands stocked with only produce grown on their farm. In order to provide a reliable service to their customers, farmers require the ability to bring in produce from other farms.
- A member of the workgroup suggested cross referencing permitted uses and special developments pertaining to AG.
- The workgroup agreed that 267-53D(4)(7)(d) regarding tenant farmer/operator is a definition, and should be moved to Section 267-4 of the code. (Administrative)
- There is a discrepancy in §267-53D(4)(7)(c) regarding employment of family members. The workgroup agreed the word “only” should be removed in the first sentence as it pertains to family members. (Administrative)
- The workgroup agreed to change the minimum lot width at building line for residential conventional lots recorded on or after 2/8/77 from 200 to 175.

Result:

- The Department of Planning and Zoning agreed to review the definition of an agricultural product and consider language limiting the quantity of product which can be brought in from other farms.
- The workgroup agreed to consider expanding uses associated with agricultural retail products as special exceptions. The Department of Planning and Zoning will draft language for agricultural retail products to be reviewed at Meeting 14, currently scheduled for February 25, 2008.

- Administrative issues will be reviewed for accuracy in the code.
- DPZ will change the minimum lot width at the Building Line for Lots for Conventional Residential Lots recorded on or after 2-8-77 from 200 feet to 175 feet.

3. Topic: Development Rights on Properties less than 20,000 sq. ft. created prior to 1977

Discussion:

- A member of the workgroup expressed concerns that many small parcels created prior to 1977 are less than 20,000 sq. ft. Many of these parcels are the result of easements or roadways splitting a parcel. Under the current Zoning Code, there is no minimum parcel size to determine what is a buildable lot in the AG District. However, the property still must be able to meet specific building criteria, such as a perc test, prior to building. The question was raised as to whether parcels in the AG District that are less than 20,000 square feet, have transferrable development rights. Current policies have allowed for the consolidation of small parcels for the purpose of meeting building requirements.
- Workgroup members expressed concern for the reasoning in creating the requirement. It's better to combine the lots and make into 1 big lot that meets requirements instead of being an unusable lot. If it has a development right, it has value. We should not take the right away from the property owner to sell it for profit. .

Result:

- The majority of the workgroup agreed (with dissenting viewpoints) to eliminate the minimum 20,000 sq. ft. acreage requirement on lots created prior to 1977 in §267-53(D)(3)(a)(1).

Presentation by DPZ – Smart Growth

Mr. Gutwald reviewed the changes to the Residential District, Village District, and Business District sections of the proposed Zoning Code individually. The workgroup was given a chance to respond to changes in each district separately.

Workgroup Discussion – Smart Growth:

A workgroup discussion followed Mr. Gutwald's presentation.

1. Topic: Residential Districts

Discussion:

- A member of the workgroup stated there was confusion between principal permitted and permitted uses. DPZ clarified that there was no difference and will review to ensure consistency of terms.
- A member questioned why conservation development standards were removed from the RR district. DPZ explained it was originally established to allow cluster development in AG to preserve farms and not to achieve density in RR. This

created small slivers of open space. The revisions and design standards will allow density now.

- The issue of affordability was discussed. Going through the update process should include discussion about other ideas including increased flexibility for specific types of residential development and mixed use development, to achieve affordable housing.
- A workgroup member suggested defining PRD and COS. Another workgroup member questioned why rubble landfills were addressed in the RR section of the code. It was explained that they are permitted in all districts. It was suggested that this be changed to remove permitting rubble landfills anywhere. Landfills are currently scheduled for discussion on February 25, 2008. In addition, it was discovered that an error on Table 54-1 existed for residential lots recorded on or after 2/8/77.

Result:

- The workgroup will bring flexibility for affordable housing back up during the workgroup meeting discussion on special developments and special exceptions.
- The DPZ will review the proposed Zoning Code to ensure use of the terms “permitted use” or “principal permitted use” consistently.
- DPZ will review the definitions of development options.
- In Table 54-1, for residential lots recorded on or after 2-8-77, the DPZ will correctly place the “2 acres” in the “Maximum Average Lot Area” column.

2. Topic: Village Districts

Discussion:

- There was general discussion regarding the Rural Village Study. Workgroup members asked DPZ to reference the study in the Code and to ensure it was available on the web site.
- A workgroup member was concerned that the maximum impervious surface area of 85% in §267-58(C)(3)(b)(2) is too high for business development or redevelopment and suggested that businesses should be able to offset the impervious surface requirements with green roofs. Another member stated with parking lot requirements, many businesses are already at the 85% maximum imperviousness and the requirement keeps the character of the Village.
- The workgroup asked to add the lighting requirement to the VR section as well as be consistent with the wording “shall be used” as opposed to “may be used”.
- A member of the workgroup stated the 2 acre lot size limitation should be removed from the VR and VB district.

Result

- The workgroup agreed to apply §267-58(B)(5) to the Village Residential sections as well as the Village Business sections.
- DPZ will change the language in §267-58(B)(8) to state that The Rural Village Study “shall” be used as a guide.

- The workgroup agreed to change the language in §267-57C(1) and §267-58C(1) to state, “Agriculture. All buildings associated with this use, including farmhouses, barns and silos, shall meet the required minimum setbacks for principal uses.”

3. Topic: Business Districts

Discussion:

- A workgroup member expressed concern that tattoo parlors were an acceptable use in the B1 district.
- A workgroup member questioned why health clubs/gymnasiums are permitted in B2 and B3, but not in B1 (a more intense use).
- A workgroup member questioned why some things are allowed in VB but not in B1. The VB district should be more restrictive than the B1 district. Workgroup members discussed geographic boundaries of the VB and B1 district. It was noted that VB serves a larger geographic area than B1.

Result:

- The workgroup agreed to list tattoo parlors separately and to only permit tattoo parlors in the B2 and B3 districts.
- The workgroup agreed to permit health clubs/gymnasiums in the B1 district
- The majority of the workgroup agreed (with dissenting views) to allow all uses in VB to occur in the B1 District as well.

At Meeting 10, the workgroup will discuss the Industrial District Regulations sections of the proposed Zoning Code and the Natural Resources/Chesapeake Bay Critical Area sections of the proposed Zoning Code.

Administrative Issues:

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 7 Summary updated with comments from Denis Canavan
3. Draft Meeting 8 Summary
4. Summary of Changes to the Smart Growth sections of the draft Zoning Code.

Next Scheduled Meetings

Zoning Code Update Meeting 9 – Meeting Summary

4 December 2007

Page 7

Date: December 10, 2007
Time: 2:00 pm - 4:00 pm
Topic: Meeting 10 – Natural Resources/Chesapeake Bay Critical Area
Location: Harford County Administrative Office Building
220 South Main Street
2nd Floor Conference Room
Bel Air, MD 21014

Date: January 14, 2007
Time: 2:00 pm - 4:00 pm
Topic: Meeting 11 – Redevelopment and Revitalization
Location: Harford County Administrative Office Building
220 South Main Street
2nd Floor Conference Room
Bel Air, MD 21014